## **CODE OF FEDERAL REGULATIONS**

# TITLE 36, CHAPTER 1

#### **COMPENDIUM**

OF

Designations, Closures, Request Requirements and Other Restrictions Imposed Under the Discretionary Authority of the Superintendent

**Virgin Islands Coral Reef National Monument** 

In accordance with the regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, as authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the Virgin Islands Coral Reef National Monument and the lands and waters under its administration. These provisions are determined to be necessary to ensure the maintenance of public health and safety; protection of scenic, natural and cultural resources; the appropriate pursuit of scientific research; the equitable allocation and use of public facilities; and the avoidance of visitor/user conflicts.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in Chapter 1, Title 36, Code of Federal Regulations. Additional information may be obtained by contacting the Superintendent, Virgin Islands National Park, 1300 Cruz Bay Creek, St. John, VI 00830 or by calling (340) 776-6201, extension 243.

APPROVED:			
	Superintendent	Date	

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# **Introduction to the Compendium**

The purpose of the compendium is to provide the public and park employees with a document that lists the special designations, closures, public use limits, permit requirements and other restrictions imposed under the discretionary authority of the Superintendent. The Superintendent's authority to implement these provisions is found in Title 36, Code of Federal Regulations (CFR), Section 1.5(a). The compendium is available to the public upon request. The compendium will be reviewed and updated annually to ensure adequate protection of the park's resources, provide for public safety and enjoyment and to address changes in public use patterns.

The provisions found in this compendium constitute only one of many tools designed to manage and protect the Virgin Islands Coral Reef National Monument. It is important to utilize this document in conjunction with Title 36, Code of Federal Regulations, which includes the full text of National Park Service regulations, including those authorizing the provisions outlined in this compendium. Chapter I, Parts 1-7, of Title 36, include sections addressing resource protection, public use, recreation, boating, vehicles and traffic safety, commercial operations, and special regulations. These regulations are applicable on all federally owned lands and waters within the boundaries of Virgin Islands Coral Reef National Monument and on lands and waters under the administrative control of the National Park Service. In addition, certain regulations found within Title 36 are applicable on non-federally owned lands under the legislative jurisdiction of the United States.

It is the intent of this compendium, in conjunction with park brochures, maps, signs and other media, to help provide the public and park employees with a clearer understanding of park rules and regulations. Any questions or requests for additional information should be addressed to any Park Ranger or to the Superintendent's Office. We also welcome your comments and suggestions.

**Send Comments To:** 

Superintendent
Virgin Islands National Park
Virgin Islands Coral Reef National Monument
1300 Cruz Bay Creek
St. John, VI 00830

#### 36 CFR Section 1.4 Definitions

**CFR** – Code of Federal Regulations

**Commercial Group** – Any for-fee tour group of 12 or more persons (including tour guide/operator).

**Commercial Services** -- Activities or services conducted within the park by private parties for which a fee is charged.

**Commercial Vessel** – Includes both "six-pac" and multi-passenger day use sailboats and powerboats, dive vessels, kayaks, crewed charter sailboats and powerboats, and vessels associated with water sports operations. Excluded are bareboat (non-crewed) rental or charter vessels or term charter vessels.

**NPS** – National Park Service

**Park Waters** – All waters and submerged lands within the exterior boundaries of the Virgin Islands Coral Reef National Monument.

**LOA** – A vessels length overall excluding bowsprits, swim platforms, and other similar protrusions.

**VICR** – Virgin Islands Coral Reef National Monument

VIIS – Virgin Islands National Park

Additional definitions and terms applicable to restrictions, prohibitions, and conditions are found in Section 1.4, Title 36 of the Code of Federal Regulations.

#### 36 CFR Section 1.5 Closures and Public Use Limits

#### **GENERAL:**

- 1. The Superintendent may temporarily close monument waters, and all or portions of the monument when such actions are deemed necessary to ensure public safety, protection of resources, or the avoidance of visitor use conflicts. The posting of signs, maps, and media announcements will identify such closures.
- 2. The Superintendent may temporarily prohibit swimming and snorkeling at designated locations when conditions make such activities unsafe for the public or when such activities would threaten monument resources.
- 3. Party balloons are not permitted in the monument.

#### **VESSELS & WATER OPERATIONS:**

#### **Anchoring and Mooring**

- 4. Setting of anchors is prohibited while on moorings provided by the NPS. Vessels using NPS moorings may not use additional ground tackle.
- 5. Rafting of vessels whose combined length exceeds 60 feet is prohibited while using NPS provided moorings.
- 6. Securing vessels to moorings using stern cleats is prohibited.
- 7. NPS moorings shall be vacated if sustained winds exceed 40 mph.
- 8. NPS moorings shall not be modified by any user.
- 9. Vessels may not stay overnight on moorings in Hurricane Hole.
- 10. Anchoring in the monument is prohibited except in emergency conditions. Boaters may take refuge in Hurricane Hole no earlier than 96 hours before a hurricane is predicted to impact the territory. Boaters may set anchors and sand screws, tying to vegetation is prohibited. Boaters are required to remove their vessel from Hurricane Hole within 72 hours after the threat or the storm has passed. Ground tackle may be left in place for the remainder of the hurricane season, but must be identified with a buoy with the vessels registration number. Boaters are required to notify the Superintendent and obtain a free anchor permit.

#### **Other Water Operations**

11. Recreation kite surfing is prohibited in Hurricane Hole. Commercial Kite surfing activities are prohibited within monument waters.

12. Operating a vessel in excess of 5 mph or creating a wake in Hurricane Hole is prohibited.

### 36 CFR Section 1.6 (c) Permits

- 13. The following activities require permits. An application for a permit should be submitted to the Superintendent during normal business hours.
  - A. Closed area use (36 CFR 1.5)
  - B. Specimen collecting (36 CFR 2.5a)
  - C. Special events (36 CFR 2.50)
  - D. Public assemblies and meetings (36 CFR 2.51)
  - E. Sale or distribution of printed matter (36 CFR 2.52)
  - F. Commercial photography may require a permit depending on the scope and extent of the activity.
    - (SEE NPS FILM GUIDELINES, DIRECTORS ORDER 51, SPECIAL PARK USES). Permits usually are required for product advertising or when the permittee is using models, crews, or requires special accommodation or use of park facilities/areas. [36 CR 5.5(a)(b)]
  - G. Memorialization (36 CFR 2.62)
  - H. Vessels carrying passengers for hire within park waters (36 CFR 5.3).
  - I. All commercial activity

#### 36 CFR Section 2.51 Public Assemblies, Meetings

- 14. Public assemblies and meetings are allowed in accordance with the terms and conditions of a permit issued by the Superintendent.
- 15. Public assemblies and meetings are only permitted in designated locations specified on a map located in the Office of the Superintendent. SEE APPENDIX "A".

#### 36 CFR Section 2.52 Sale or Distribution of Printed Matter

16. The sale or distribution of printed matter is allowed only in designated locations specified on a map located in the Office of the Superintendent. SEE APPENDIX "A".

## 36 CFR Section 3.23 SCUBA Diving and Snorkeling

17. SCUBA diving and snorkeling is permitted in areas adjacent to beaches and inside boat exclusion areas. SCUBA diving and snorkeling is prohibited in designated boat channels, shipping lanes, and dock areas.

#### APPENDIX A

## Designated Areas for Public Assemblies and Meetings

Designated Areas for the Sale and Distribution of Printed Matter

The ball field adjacent to Virgin Islands National Park Visitor Center and the concrete culvert east of the brown bollards are open to public assemblies and meeting and the sale and distributed printed matter upon approval of a permit.



#### APPENDIX B

#### Determinations of Effect – Part I Provisions

- 1. For public safety.
- 2. Weather conditions, water conditions, environmental impacts and other conditions may require certain locations to be closed to swimming & snorkeling for safety precautions.
- 3. Party balloons when not properly discarded become a significant threat to turtles. Turtles mistaken deflated balloons or pieces of balloons as jellyfish and attempt to eat it and die.
- 4. The moorings were installed for the purpose of eliminating the use of anchors and protect the underwater resources. Also, the use of additional ground tackle damages the mooring system.
- 5. The moorings were designed to hold a 60-foot vessel in 70-knot winds safely. Additional vessels that exceed the limitations would add to the weight and pull on the mooring system weakening and/or damaging the mooring.
- 6. Securing a vessel to a mooring using the stern cleat increases the weight and pull on the mooring weakening and/or damaging the mooring.
- 7. To protect the mooring system and its integrity vessels using the mooring in wind speeds 40 mph and greater add to the weight and pull on the mooring system weakening and/or damaging the mooring.
- 8. The moorings were installed for the purpose of eliminating the use of anchors and protect the underwater resources. Modifying the mooring system may cause mooring damage or failure.
- 9. Visitor use restrictions are necessary to ensure that boaters do not abuse their length of stay and that all prospective visitors have access to space, facilities, and services within the monument.
- 10. 36 CFR 7.46 (e)(3) identifies that anchoring will only be permitted in emergency situations to protect life and property. 36 CFR 7.46 (e)(4) identifies the schedule when boaters may take refuge in Hurricane Hole and are required to leave. This has been modified to provide more time for boaters to prepare and recover.
- 11. This activity enhances safety concerns and potential conflicts with other park uses that are similar to those associated with water-skiing and parasailing. This activity is not necessary for public use and enjoyment of the monument.
- 12. Excessive speed in mooring areas increases the dangers of collision with other vessels and people in the water. Creating a wake in the mooring area and in Hurricane Hole disrupts vessels and visitors and causes potential resource damage to fragile corals near shore.
- 13. The superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit.

### APPENDIX C

### Determinations of Effect – Part 2

- 14. The use of these areas minimizes impacts to the natural and historic scene, to resources, and to activities and public enjoyment of the park.
- 15. The use of these areas minimizes impacts to the natural and historic scene, to resources, and to activities and public enjoyment of the park.

### APPENDIX D

## Determinations of Effect – Part 3

16. This regulation provides for a safe visitor experience and minimizes the risk of injury.